<center>**REMARKS**</center>

Claim Rejections

Claims 1, 2, 5, 7, 10, 12, 15, 17-20, 21-25, 51, 53, 55 and 58-62 stand rejected as obvious over U.S. Patent No. 5,496,032 (Okada) in view of U.S. Patent No. 6,749,510 (Giobbi).

Claims 26-32, 35-40 and 42-49 stand rejected as obvious over Okada and Giobbi in view of "Dealing With 'Outliers'" (High).

Claims 33-34 stand rejected as obvious over Okada, Giobbi and High and further in view of U.S. Publication No. US2003/0060280A1 (Oles).

Claims 3-4, 6, 8-9 and 11 stand rejected as obvious over Okada and Giobbi in view of U.S. Patent No. 5,470,079 (LeStrange).

Claim Amendments

Independent claims 1, 26 and 38 have been amended to patentably distinguish over Okada and Giobbi, either alone or in combination with other references.

The References

Okada

Okada is directed to a management method for gaming halls having slot machines. A plurality of system control units (SCU) 10a-10p are connected to a main control unit (MCU) 11 that acts as a management computer. A token dispenser is mounted at the side of each slot machine. Each SCU is connected to plural pairs of a slot machine and a token dispenser. For example, SCU 10a is connected to a pair of a slot machine 15a1 and a token dispenser 16a1, a pair of a slot machine 15a2 and a token dispenser 16a2 . . . ., a pair of a slot machine 15a32 and a token dispenser 16a32. The SCU 10a is also connected to a token counter 17a and a money exchanger 18a. The token counter counts tokens to be exchanged for goods and money. (Col. 4, lines 21-43).

In operation, the amount of money received by each token dispenser 16a1 to 16p32 and the number of exchanged tokens are supplied to each corresponding SCU associated with the token dispensers. The number of tokens entered into each slot machine 15a1 to 15p32 and the number of paid-out dividend tokens are supplied to each corresponding SCU. The number of tokens counted by each token counter 17a to 17p is supplied to each corresponding SCU. The amounts of money

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and the number of tokens are converted into optical data which is sent to the MCU 11. This data is inputted into a local computer 27. (Col. 5, lines 48-60). The local computer calculates the various expected values for the game management system. The expected values are constituted of expected individual values for each slot machine and expected total values obtained through the addition of the expected individual values of all the slot machines in a gaming hall. (Col. 5, lines 61-67).

The comparative results of the expected and actual values of the total sales amount, the number of tokens exchanged for premiums, and the quotient are displayed on a CRT 29 at a predetermined time interval, for example, every 30 minutes. (Col. 8, line 66 to col. 9, line 3). A calculated over-pay condition of each slot machine is displayed and monitored on the CRT 29, providing alarm representations in three colors. (Col. 10, lines 20-24).

Giobbi

Giobbi discloses a centralized gaming system including a central server system 10 and a plurality of remote display terminals 12. The central server system 10 includes a master game server 14, a multi-user game execution server 16 and a database server 18. (Col. 3, lines 21-29)

The centralized gaming system of Giobbi offers several advantages, including the ability to configure the display terminals 12 to maximize earnings. (Col. 9, line 57; Col. 10, lines 13-16). For example, if it is determined that low volatility slot games with a low minimum wager are most popular when available in Bank X near the front door of a gaming establishment between the hours of 6:00 p.m. and 11:00 p.m., then the master game server 14 may modify the games available for play on the terminals 12 in Bank X to be low volatility slot games with a low minimum wager between 6:00 p.m. and 11:00 p.m.. (Col. 10, lines 35-43).

High

High is directed to a technique for detecting and dealing with outliers. According to High, outliers are unusual data values that crop up in most research projects involving data collection. (Page 1 of 4).

Oles

Oles discloses a gaming machine including a security data collection device. (¶0024). A wired or wireless communication link 65 may exist between a controller 44 of the gaming machine and a control station 66. (¶0002).

LeStrange

Lestrange is directed to a gaming machine accounting and monitoring system. A gaming machine may accept payments in the form of cash, credit cards or smart cards. (Col. 4, line 64 to Col. 5, line 5).

Applicant's Claimed Invention Would Not Have Been Obvious

The following factual inquiries must be considered in any obviousness evaluation: the scope and content of the prior art, the differences between the claimed invention and the prior art, the level of ordinary skill in the pertinent art and evidence of any secondary considerations. To establish a *prima facie* case of obviousness, it is axiomatic that the prior art, either alone or in combination, must disclose each and every element of the claimed invention. As stated in the M.P.E.P., "[t]o reject a claim . . . Office personnel must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." M.P.E.P. §2143A.

Moreover, "[t]he rationale to support a conclusion that the claim would have been obvious is that all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art." Id. Also, some articulated reasoning with rational underpinnings must be provided to support a *prima facie* case of obviousness.

It is respectfully submitted that Applicant's claimed invention would not have been obvious in view of Okada and Giobbi, either alone or in combination with other references.

Claim 1

Amended claim 1 calls for a warning generating system that is structured to generate a warning signal based on a comparison of the monetary value accepted into a gaming device and the monetary value output from the gaming device for predetermined time periods of different durations wherein the duration of one time period is at least a day long while the duration of another time period is less than a day. Each time period has an associated warning threshold that is based on the duration of the time period with which it is associated such that a warning signal is generated when the comparison indicates that a warning threshold for a time period is exceeded.

As such, gaming device usage can be tracked in a number of different time frames, with each time period having an associated warning threshold. This claimed system, for instance, ensures that an amount of money paid out from a gaming device can be checked every minute such that a large jackpot can be investigated immediately when it occurs, or an amount of money paid out can be checked daily or monthly. Additionally, other durations allow the claimed system to warn that a player may be cashing out multiple small amounts from a gaming device over a long time. (Applicant's specification, page 14, line 4 to page 15, line 5; page 18, lines 18-23).

Okada does not disclose or suggest a warning generator system that operates in this manner. Okada discloses that the tracked results for the total sales amount of all slot machines are displayed for only one time interval, that is, for instance, every 30 minutes. (Col. 8, line 66 to Col. 9, line 5). Thus, in this respect, Okada teaches away from Applicant's claimed invention.

Further, in Okada, the warning threshold is not based on the duration of a predetermined time period. Rather, in Okada, the warning threshold is based on the difference between the expected (KKUn) and actual (JKUn) sales values. (Col. 8, lines 21-32).

Okada makes this difference calculation (KKUn – JKUn) at different times if the stop time step (S9) of the flow chart of FIG. 2 is affirmative. (Col. 8, lines 49-51). The stop times (T1, T2) are periods of nonoperation of a slot machine, which may indicate that play of the slot machine has been halted. (Col. 6, line 51 to Col. 7, line 2). However, calculating this difference at this stop time step (S9), when game play apparently has stopped, is not the same as making comparisons for predetermined time periods wherein a warning threshold for a time period is based on the duration of that time period, as called for by claim 1.

These deficiencies in Okada's disclosure are not cured by Giobbi. Giobbi discloses configuring game terminals 12 to maximize earnings. (Col. 10, lines 13-16). For instance, the gaming terminals may be configured to play a certain game at certain times of the day. (Col. 10, lines 36-44). However, the ability to configure gaming terminals in this way has absolutely nothing to do with checking for possible fraud during time periods of different durations.

Claim 26

Claim 26 calls for a data calculation system configured to generate a payout warning based on the amount of monetary value accepted into a gaming device and the amount of monetary value output from the gaming device wherein jackpot payouts that occur as the result of game play are excluded in the amount of the monetary value output from the gaming device to prevent an

unwarranted payout warning. This, for example, prevents jackpot amounts from skewing averages used to determine whether to indicate that a particular machine is malfunctioning. (Applicant's specification, page 5, lines 16-19; page 13, lines 25-28).

Okada and Giobbi neither disclose nor suggest a data calculation system that operates in this way. Indeed, in Okada, jackpot payouts are always included in the usage calculations. Thus, Okada clearly teaches away from Applicant's claimed invention.

Moreover, High does not cure this deficiency of Okada. High is directed to a technique for detecting and dealing with outliers. An outlier is a value in a set of data that is so far removed from other values in the distribution of data that its presence can not be attributed to the random combination of chance. (See McGraw Hill Dictionary of Scientific and Technical Terms). As stated in the Office Action, an outlier is "an unusual data value appearing in a data collection as a result of an error or a rare event." (Office Action, ¶11).

A jackpot payout that occurs as a result of game play is not an outlier. Indeed, while a jackpot payout is not the norm, it is neither an error nor a rare or an unexpected event. The whole purpose of playing a gaming device is to win a jackpot. If the occurrence of a jackpot was due to an error or was an unexpected or rare event, one could hardly expect individuals to play a gaming device. A jackpot is attributed to the random combination of chance. Thus, a jackpot is clearly not an outlier.

Further, like Okada, High teaches away from Applicant's claimed invention. Specifically, High notes that "[n]either ignoring nor deleting [outliers] at will are good solutions." (Page 3 of 4). Additionally, High teaches the following: "**Deletion.** Only as a last resort should you delete outliers, and then only if you find they are legitimate errors that can't be corrected, on lie so far outside the range of the remainder of the data that they distort statistical inferences." (Page 4 of 4).

A jackpot is not a legitimate error. It also does not lie nor so far outside the range of the remainder of the data that it distorts statistical inferences. Rather, a jackpot is an expected and hoped for outcome of game play on a gaming device. As such, High teaches that a jackpot should never be deleted.

Moreover, combining High with Okada would render Okada unsatisfactory for its intended purpose. That is, if jackpots or payouts, that is, tokens dispensed, were excluded from Okada's expected sales (KKUn) calculation, Okada would fail to detect many occasions of cheating.

This follows as no alarm signal is given if the expected sales amount (KKUn) minus the actual sales amount (JKUn) is less than or equal to zero. (KKUn-JKUn≤0). (Col. 2, lines 30-40; Col. 8, lines 21-26). Excluding tokens dispensed from the expected sales amount (KKUn) makes that amount artificially low. As such, an alarm which is otherwise warranted may not be given.

Thus, the proposed modification of Okada in view of High would have made Okada unsatisfactory for its intended purpose. Therefore, there would have been no suggestion or motivation to make the proposed modification. MPEP§2143.0 1V.

Claim 38

Claim 38 calls for a gaming device that includes a warning calculator coupled to an input accounter and an output accounter. The warning calculator is structured to generate a payout warning signal based on recorded transactions, and the warning calculator is structured to omit one or more recorded transactions of monetary value generated by the gaming device during play of the gaming device when determining whether to generate the payout warning signal to thereby prevent an unwarranted payout warning signal.

There is absolutely no disclosure or suggestion in Okada of omitting one or more recorded transactions of monetary value generated by a gaming device when determining whether to generate a payout warning signal. Rather, in Okada, all amounts outputted by the slot machines are always included in the usage calculations. (Col. 2, lines 30-40). Thus, in this respect, Okada also clearly teaches away from this feature of Applicant's claimed invention.

Moreover, for the reasons discussed above with respect to claim 26, High does not cure this deficiency of Okada. That is, a recorded transaction of monetary value generated by the gaming device during play of the gaming device, like a jackpot, is not an outlier. Also, as discussed above, High clearly teaches away from deleting such a recorded transaction of monetary value, unless it is a legitimate error or so far outside the range of the remainder of the data that it distorts statistical inferences.

A recorded transaction of monetary value generated by a gaming device during play of the gaming device is neither a legitimate error nor some value that is way outside the range of acceptable values. As such, High teaches that it should never be deleted or omitted.

Further, the proposed modification of Okada in view of High, as discussed, would have rendered Okada unsatisfactory for its intended purpose of detecting cheating. Thus, there would have been no suggestion or motivation to make the proposed modification. MPEP §2143.01 V.

Claim 46

Claim 46 is similar to amended claim 38, and it is allowable for the same reasons.

Claim 51

Amended claim 51 calls for comparing an amount of monetary value paid by a gaming device to one or more predetermined values. This step includes obtaining an amount of monetary value paid by the gaming device, subtracting an amount of monetary value accepted into the gaming device from the amount of monetary value paid by the gaming device to obtain a difference value, and comparing the difference value to one or more predetermined values.

This feature can prevent false or unnecessary warning signals if a gaming device has not only paid out a large amount of money, but a large amount of money has also been wagered at the gaming device. This feature could also decrease the chance of a false alarm if a player's winnings exceed what the player has put into the gaming device. (Applicant's specification, page 5, lines 19-24; page 19, lines 22-29).

It is submitted that claim 51 would not have been obvious in view of Okada and Giobbi. The difference value in claim 51 is the difference between the amount of value accepted into the gaming device and the amount of value paid by the gaming device. This difference value is compared to a predetermined value.

In Okada, the difference value is the difference between expected sales (KKUn), which is based on the number of tokens inserted and paid-out by a slot machine, and actual sales (JKUn), which is based on the number of tokes dispensed by a paired token dispenser. An alarm signal is emitted in accordance with this difference value. (Col. 8, lines 15-32). The difference value is compared to some number of monetary units. For example, if the difference is more than 5000 monetary units, a red alarm is emitted. (Col. 8, lines 33-44).

The difference value in Okada is not the difference between the value input into and paid out by the slot machine. In Okada, the number of tokens inserted and paid out by a slot machine are not subtracted from each other to determine if a warning should be generated. Instead, in Okada, an amount based on the number of inserted and paid-out tokens (KKUn) is compared to an amount based on the number of tokens dispensed by a token dispenser (JKUn) to determine if a warning should be generated.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicant's undersigned attorney at (510) 663-1100.

If any fees are due in connection with the filing of this amendment (including any fees due for an extension of time), such fees may be charged to Deposit Account No. 504480 (Order No. IGT1P315).

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